

WOLF POPPER

MEMO ENDORSED

September 11, 2023

By ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/12/2023

**Re: *Sarah Valelly v. Merrill Lynch, Pierce, Fenner & Smith Incorporated,*
No. 19-cv-07998 (VEC)**

Dear Judge Caproni:

Plaintiff Sarah Valelly and Defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated jointly file this letter motion to seal and/or redact confidential information, in accordance with the dates and procedures identified below, which are intended to supplement Rule 5(B) of the Court's Individual Practices in Civil Cases.

Opening papers in support of the parties' motions for summary judgment are due on September 15, 2023, opposition papers are due on October 27, 2023, and reply papers are due on December 1, 2023. ECF 184. These papers will likely be referencing materials that the parties and nonparty Bank of America, N.A. (also represented by defense counsel) designated as confidential or highly confidential under the governing protective order. Similar to the approach that the parties and the Court took in connection with the *Daubert*, class certification, and reconsideration briefing (*see, e.g.*, ECF 161), in order to minimize the number of court filings and disputes regarding confidentiality that the Court will need to resolve, and to allow counsel sufficient time to confer with their clients about proposed redactions, the parties propose as follows:

- 1) The parties will serve, by email rather than on ECF, their papers by the deadlines reflected in the Scheduling Order.
- 2) The parties will meet and confer within four business days after service to discuss the need to redact or seal any portions of her papers.
- 3) The party seeking redaction or sealing with respect to papers to be efiled by another party shall provide the other party proposed public versions of all such papers, with metadata scrubbed.

WOLF POPPER

Honorable Valerie E. Caproni
September 11, 2023
Page 2

- 4) Within ten business days after service by email reflected above, the parties who had served the papers by email will file on ECF both the confidential and public versions of the papers originally served by email.
- 5) Contemporaneous with these ECF filings, the parties will file joint letter(s) pursuant to Rule 5B.iii of Your Honor's Individual Rules reflecting the parties' respective positions on whether the material should be sealed or redacted.

The parties thank the Court for its attention to this matter.

Respectfully submitted,

WOLF POPPER LLP

/s/Robert C. Finkel

Robert C. Finkel
Adam J. Blander
Philip M. Black
845 Third Avenue
New York, N.Y. 10022
Tel: 212.759.4600

*Attorneys for the Plaintiff and the
Putative Class*

DAVIS POLK & WARDWELL LLP

/s/Paul S. Mishkin

Paul S. Mishkin
Lara Samet Buchwald
Cristina M. Rincon
450 Lexington Avenue
New York, N.Y. 10017
Tel: 212.450.4000

*Attorneys for Defendant Merrill Lynch,
Pierce, Fenner & Smith Incorporated*

cc: All counsel of record (via ECF)

Application GRANTED.

SO ORDERED.



Date: 9/12/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE